
POMERANTZLLP

Jeremy A. Lieberman
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December 26, 2023

VIA ECF

Hon. Jesse M. Furman, U.S.D.J.
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

RE: *Rock Villanueva v. GigaCloud Technology Inc et al.*, No. 1:23-cv-10645-JMF [rel. 1:23-cv-10684-JMF]; *Thomas J. Kinnally v. GigaCloud Technology Inc et al.*, No. 1:23-cv-10684-JMF [rel. 1:23-cv-10645-JMF]

Dear Judge Furman:

Pomerantz LLP (“Pomerantz”) represents Plaintiff Rock Villanueva (“Villanueva”) in the above-referenced putative class action (the “Villanueva Action”), as well as lead plaintiff movant Sashi Rajan (“Rajan”) in the related class action under the style of *Thomas J. Kinnally v. GigaCloud Technology Inc et al.*, No. 1:23-cv-10684 (S.D.N.Y.) (the “Kinnally Action” and, together with the Villanueva Action, the “Related Actions”). We write to respectfully advise the Court that, on December 22, 2023, pursuant to this Court’s Order dated December 15, 2023 (the “Extended Lead Plaintiff Deadline Order”) (*see* Dkt. No. 23 at 3), Rajan inadvertently filed his motion for consolidation of the Related Actions, appointment as Lead Plaintiff in the Related Actions, and approval of his selection of Pomerantz as Lead Counsel in the Related Actions (the “Lead Plaintiff Motion”) on the docket of the Kinnally Action (*see* Kinnally Action, Dkt. Nos. 24-27), instead of the docket of the Villanueva Action.

As discussed further in Pomerantz’s letter to the Court, dated December 14, 2023, the Kinnally Action was originally filed in the United States District Court for the Central District of California (“C.D. Cal.”) on October 4, 2023, under the style of *Thomas J. Kinnally v. GigaCloud Technology Inc et al.*, No. 2:23-cv-08381 (C.D. Cal.) (the “Kinnally C.D. Cal. Docket”). *See* Dkt. No. 22 at 1. Thereafter, on October 30, 2023, the Villanueva Action was also originally filed in C.D. Cal. under the style of *Rock Villanueva v. GigaCloud Technology Inc et al.*, No. 2:23-cv-09134 (C.D. Cal.). *See id.* As such, the Kinnally Action was the first-filed of the Related Actions when these actions were still pending in C.D. Cal. However, because the Villanueva Action was transferred to the United States District Court for the Southern District of New York (“S.D.N.Y.”) on December 6, 2023 (*see* Dkt. No. 14)—*i.e.*, one day before the Kinnally Action was transferred

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to S.D.N.Y. (*see* Kinnally Action, Dkt. No. 13)—the Villanueva Action became the first-filed of the Related Actions pending in S.D.N.Y.

On the original lead plaintiff motion deadline of December 4, 2023 (*see* Dkt. No. 22 at 2), before the Related Actions were transferred in to S.D.N.Y., Rajan properly filed his Lead Plaintiff Motion on the Kinnally C.D. Cal. Docket because the Kinnally Action was then the first-filed of the Related Actions (*see* Kinnally C.D. Cal. Docket, Dkt. Nos. 20-22). Accordingly, when filing his Lead Plaintiff Motion again in S.D.N.Y. on the new December 22, 2023 deadline, Rajan inadvertently filed his Lead Plaintiff Motion in the Kinnally Action again (on the post-transfer S.D.N.Y. docket), but not in the lower docketed Villanueva Action. *See* Kinnally Action, Dkt. Nos. 24-27.

To correct this error, Rajan has now filed the Lead Plaintiff Motion in the Villanueva Action as well. *See* Dkt. Nos. 32-35. Rajan respectfully requests that in light of this minor clerical error and its prompt remediation, Rajan's Lead Plaintiff Motion be deemed as timely. *See GGCC, LLC v. Dynamic Ledger Sols., Inc.*, No. 17-CV-06779-RS, 2018 WL 1388488, at *3-4 (N.D. Cal. Mar. 16, 2018) (finding, under nearly identical circumstances, that "refusing to consider [the applicant's] motion would be an unnecessarily stringent application of the statutory deadlines that would undercut the PSLRA's preference for appointing the plaintiff with the greatest financial stake in the outcome," and ultimately selecting that applicant as lead plaintiff).

Respectfully submitted,

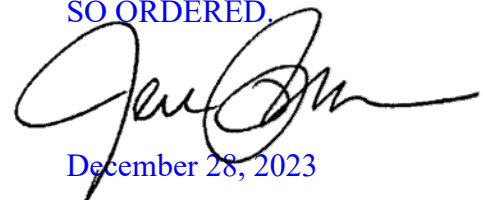


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cc: All counsel of record (via ECF)

Application GRANTED. Movant Rajan's lead plaintiff motion, 23cv10645, ECF No. 32, is hereby deemed timely. The Clerk is directed to terminate ECF No. 36.

SO ORDERED.



December 28, 2023